

REMARKS

Claims 269 - 300 are pending in the parent application. Claims 269 – 271, 276, 278 – 280, 285, 287 – 290, 295, and 297 – 299 stand rejected under 35 USC 102 as anticipated by Eckmiller. Claims 272 – 275, 277, 281 – 284, 286, 291 – 294, 296 and 300 stand rejected under 35 USC 103 as obvious in view of Eckmiller and Michelson. Applicant has added new claims 301 and 302. Support for the new claims is found on page 20, lines 19 – 25.

Applicants wish to thank the Examiner for the telephone interview this date. For further consideration and for the benefit of the record, the Applicants will restate here the issues raised in the telephone interview.

In response to the previous Office Action, the applicants added the limitation “means for altering parameters for stimulation of visual neurons based on said operational data” to all of the independent claims, 269, 278, and 287, to distinguish the invention over Eckmiller (US Patent 6,400,989). In the current Office Action, the Examiner points to Eckmiller, col. 7, @ 22-47. Specifically, Eckmiller provides “...once there, the recorded neural signals are further processed for the various purposes of the encoder functions.” There is no indication as to those various purposes. Further, Eckmiller limits telemetry to retinal recordings. Applicants respectfully submit that Eckmiller does not disclose altering parameters for stimulation of visual neurons based on operational data, and this limitation distinguishes the present invention over Eckmiller. Applicants respectfully request that the Examiner reconsider the rejection.

While the rejections of the dependent claims become moot with the allowability of the independent claims, the Applicants make the following points in case the Examiner does not decide to allow the independent claims.

With respect to claims 270, 271, 279, 280, 289, and 290, the Examiner points to Eckmiller col. 5 @ 60 – 64. Applicants believe that the current referred to in this section is a characteristic of the stimulation signal, not a telemetry signal. Telemetry of current, and more specifically electrode current, is not disclosed in Eckmiller. Applicants respectfully request that the Examiner reconsider the rejection.

With respect to the rejections based on Eckmiller in view of Michelson (US Patent 4,628,933), applicants would like to point out that Michelson is a fully implanted system without any provision for sending data into or out of the eye. Once, implanted, patterns of retinal

stimulation are determined entirely by light falling on a photosensitive array implanted within the eye and there is no provision to modify the parameters once implanted. When Michelson discusses factors for stimulation parameters (col. 4 @ 18 – 26), Michelson is necessarily discussing design parameters based on aggregate factors, which are determined prior to implantation. It is not at all obvious that factors used in the design of a visual prosthesis would be factors beneficial in a telemetry system for a visual prosthesis. Applicants respectfully request that the Examiner reconsider the rejection.

Neither Eckmiller nor Michelson, individually or in combination disclose anything about compliance voltage.

Drawings

A replacement sheet with new proposed figures 4 and 5 is attached hereto.

Declaration

A new declaration signed and dated by inventor Robert J. Greenberg is attached hereto.

If for any reason the Examiner finds the application other than in condition for allowance, and the Examiner believe that a teleconference may be helpful, the Examiner is invited to call the undersigned attorney at (818) 833-5055 to discuss the steps necessary for placing the application in condition for allowance.

January 28, 2007

Respectfully submitted,

Scott B. Dunbar
Attorney for Applicant
Reg. No. 37,124

Second Sight Medical Products, Inc.
12744 San Fernando Road
Building 3
Sylmar CA 91342
Phone: (818) 833-5055
Fax: (818) 833-5080